

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of the claims

Claims 1, 3, 7 and 10 are amended. Claim 1 and 3 are amended to add the subject matter recited in the original specification. (Page. 15 line 24 to page 16, line 2). Claims 11-14 are added. No new matter is added.

Claim rejections – 35 USC §112

Claims 7 and 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Amended claims 7 and 10 recite, “providing dry air with a dew point at atmospheric pressure of less than or equal to -20° C during the interval of less than seven days. The amendment further clarifies when the dry air is provided. Specifically the dry is provided during the interval of less than seven days. Therefore claims 7 and 10 are compliant with the requirements of 35 U.S.C §112, second paragraph. Applicant respectfully request that the rejection is respectfully withdrawn.

Claim rejections – 35 USC §102

Claims 1-4, 6, 7, 9, and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by Kaneko (U.S. Patent No. 6,498,302). Claims 1, 2 and 5-7 are rejected under 35 U.S.C. §102(b) as being anticipated by Whitlow et al. (U.S. Patent No. 5,223,478). These rejections are respectfully traversed.

Independent claims 1 and 3 to recite, among other features, maintaining the wire temperature greater than or equal to 80 °C and less than or equal to 300 °C during the at least one interval of less than seven days. Keneko fails to disclose at least the above recited feature.

Instead, Keneko discloses that the wire is temporarily heated to the temperature of 80°C and not more than 300°C while heating up to 850°C (referring to Example 1). Similarly Whitlow et al. discloses that the wire is temporarily heated to the temperature above 80°C and not more than 300°C while heating up to 450°C in the intermediate anneals. (Col. 4, ll. 21-27) These heating do not maintain the temperature between 80°C and 300°C during the at least one interval of less than seven days.

Claims 1 and 11 recite among other features, at least one of an interval between providing a wire and rolling and an interval between rolling and sintering. Kaneko and Whitlow et al. do no heat/anneal between providing a wire and rolling or between rolling and sintering. Instead Keneko and/or Whitlow heat during sintering or during annealing and not between providing a wire and rolling or between rolling and sintering.

Kaneko or Whitlow et al. fail to anticipate claims 1 and 3. Therefore claims 1 and 3 are believed to be allowable. Because claims 2-4, 5-10 depend, directly or indirectly from claims 1 and 3 they are believed to be allowable for at least the same reasons claims 1 and 3 are believed to be allowable.

Claim rejections – 35 USC §103

Claims 5 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kaneko in view of Whitlow et al. This rejection is respectfully traversed.

Claims 5 and 8 depend from claims 1 and 3. Thus, claims 5 and 8 include each features of claims 1 and 3. As discussed above, Keneko or Whitlow et al. fail to teach, suggest or render predictable features of claims 1 and 3. Therefore claims 5 and 8 are believed to be allowable.

Double patenting rejection

Claims 1 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 3 and 9 or copending U.S. Patent Application No. 10/568,537, stating “Although the conflicting claims are not identical they

are not patentably distinct from each other because claims 3 and 9 of the '573 application anticipate claim 1 of the present application, and claim 9 anticipates 3." The rejection is respectfully traversed.

Claims 1 and 3 as amended recite, among other features, maintaining the wire temperature greater than or equal to 80°C and less than or equal to 300°C during the at least one interval of less than seven days. Claims 3 and 9 of the '573 application fail to recite at least the above features. Claims 1 and 3 as amended are patentably distinguished from claims 3 and 9 of the '573 application.

Should a prima facie provisional rejection be established, Applicants may consider filing a terminal disclaimer in the present application, upon an indication of otherwise allowable subject matter.

New Claims

New claims 11 and 12 recite, maintaining the wire temperature greater than or equal to 80°C and less than or equal to 300°C during the interval between providing the drawn wire and the rolling. Both Kaneko and Whitlow et al., alone or in combination fail to recite maintaining the wire temperature greater than or equal to 80°C and less than or equal to 300°C during the interval between providing the drawn wire and the rolling. Instead, they teach or suggest increasing the temperature up to either 450°C or 650°C during sintering. They do no maintain the temperature during the interval between providing the drawn wire and rolling. Therefore claims 11 and 12 are believed to be allowable.

New claims 13 and 14 recite, holding the wire in a casing during the at least one interval of less than seven days. Both Keneko and Whitlow et al., alone or in combination fail to teach or suggest holding the wire in a casing during the at least one interval of less than seven days. Instead, Keneko and Whitlow et al. disclose sintering when the wires are in a furnace. Therefore claims 13 and 14 are believed to be allowable.

Concluding Remarks

After amending the claims as set forth above, claims 1-14 are pending in this application. Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

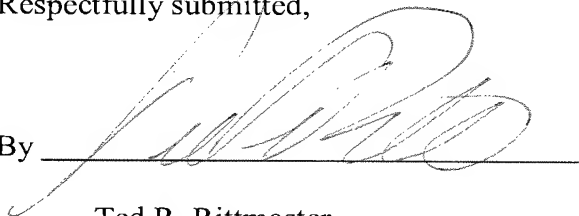
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

10/9/08

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (213) 972-4594
Facsimile: (213) 486-0065

Ted R. Rittmaster
Attorney for Applicant
Registration No. 32,933